

**EDUCATION DEPARTMENT[281]**

**Notice of Intended Action**

**Proposing rule making related to career academy incentive fund  
and providing an opportunity for public comment**

The State Board of Education hereby proposes to amend Chapter 46, “Career and Technical Education,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code section 256.7(5).

*State or Federal Law Implemented*

This rule making implements, in whole or in part, 2019 Iowa Acts, chapter 166 [House File 546].

*Purpose and Summary*

This rule making proposes to add a new rule 281—46.13(423F) to Chapter 46. The new rule establishes a policy framework for the career academy incentive fund, established through the reauthorization of the secure an advanced vision for education fund, 2019 Iowa Acts, chapter 166. The fund is intended to support the development of career academy programs, in particular, career academy programs delivered through regional centers (centralized facility through which multiple school districts and a community college deliver instruction to students). New rule 281—46.13(423F) establishes for the career academy incentive fund eligible applicants, an application process, evaluation criteria, and an awarding mechanism, as well as clarifies allowable uses of funds.

As used in the new rule, a career academy is a career-oriented or occupation-oriented program of study, the same as defined in rule 281—46.11(258). A regional center is a facility for the delivery of career and technical education programming, providing access to at least four career academy programs and serving either a combined minimum of 120 students from no fewer than two school districts or a minimum of four school districts, the same as defined in rule 281—46.12(258).

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

*Waivers*

An agencywide waiver provision is provided in 281—Chapter 4.

*Public Comment*

Any interested person may submit written or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on October 29, 2019. Comments should be directed to:

Nicole Proesch  
Department of Education  
Grimes State Office Building, Second Floor  
Des Moines, Iowa 50319-0146  
Phone: 515.281.8661  
Email: [nicole.proesch@iowa.gov](mailto:nicole.proesch@iowa.gov)

*Public Hearing*

A public hearing at which persons may present their views orally or in writing will be held as follows:

October 29, 2019  
11 a.m. to 12 noon

State Board Room, Second Floor  
Grimes State Office Building  
East 14th Street and Grand Avenue  
Des Moines, Iowa

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs by calling 515.281.5295.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action is proposed:

Adopt the following **new** rule 281—46.13(423F):

**281—46.13(423F) Career academy incentive fund.** A career academy incentive fund is a competitive grant program established by the department to expand opportunities for students to access high-quality career and technical education programming through innovative partnerships between school districts and community colleges.

**46.13(1) Allowable expenses.** Funding issued under this rule shall be used by the recipient for purposes outlined in the proposal approved by the department to support the development of career academy infrastructure, including regional centers as defined under rule 281—46.12(258). For purposes of this rule, allowable expenses include the following:

- a. Purchase and improvement of grounds, including the legal costs relating to the property acquisition and surveys of the property.
- b. Construction of buildings and roads to buildings.
- c. Purchase or lease-purchase option agreements for buildings.
- d. Rental of facilities under Iowa Code chapter 28E.
- e. Purchase, lease, or lease-purchase of equipment or technology exceeding \$500 in value per purchase or lease-purchase transaction. "Equipment" means both equipment and furnishings.
- f. Repair, remodel, reconstruction, improvement, or expansion of buildings and the additions to existing buildings.

**46.13(2) Applicants.** Institutions eligible to apply for funds include a school district as defined under rule 281—12.2(256) or community college as defined under Iowa Code chapter 260C.

**46.13(3) Application proposals.** Institutions seeking funds under this rule shall submit an application proposal to the department in a format prescribed by the department. An application for funding that includes more than one institution shall designate a single institution to receive funds on behalf of all participating institutions. At a minimum, all applications shall include one school district and one community college, though applications consisting of multiple school districts and a community college are encouraged.

*a. Service area and aligned occupation.* Program information will be collected to identify the aligned service area and in-demand occupation as identified by the state workforce development board pursuant to Iowa Code section 84A.1B(13A) as enacted by 2018 Iowa Acts, chapter 1067, section 7.

*b. Offerings and enrollments.* Information shall be provided on all career academy offerings made available by the participating institutions. All school districts shall provide actual or estimated enrollment by high school in each of the offered career academies over the proceeding five-year period.

*c. Program structure.* Each proposal shall include a response to the following components:

(1) A sequence of coursework, inclusive of all aligned middle school, high school, and postsecondary offerings that constitute the career academy. The sequence of coursework shall be developed collaboratively between the school district or school districts and community college, and shall be depicted in a template provided by the department.

(2) A description and evidence of integrated project-, problem-, and work-based learning experiences.

(3) Identification of the third-party industry certifications either made available to the student through the program or which the program prepares the student to complete.

*d. Partnerships.* If applicable, the applicant shall provide information on all partnering institutions, and the extent to which each partnering institution is contributing resources to the initiative, including but not limited to funds, staff, equipment, or other related resources.

*e. Business and industry involvement.* If applicable, the applicant shall provide information on business and industry involvement, including but not limited to input solicited on offerings, donation of equipment, and contribution of funds.

*f. Approved contracts.* Each district participating in the career academy shall submit as evidence the contract established pursuant to subrule 46.11(2).

**46.13(4) Criteria for evaluating proposals.**

*a. Priority.* Application proposals shall be ranked and sorted according to the following priorities:

(1) First priority. Proposals for new career academies delivered collaboratively between multiple school districts and a community college through a regional center as defined under rule 281—46.12(258) shall receive priority consideration.

(2) Second priority. Proposals for existing career academies delivered collaboratively between multiple school districts and a community college through a regional center as defined under rule 281—46.12(258) shall receive second-priority consideration.

(3) Third priority. Proposals for new or existing career academies delivered through partnership arrangements other than a regional center, including but not limited to individual career academy offerings delivered by one school district, shall receive third-priority consideration.

*b. Occupational alignment.* Proposals for career academies aligned with high-demand occupations as identified by the state workforce development board pursuant to Iowa Code section 84A.1B(13A) as enacted by 2018 Iowa Acts, chapter 1067, section 7, shall be given preferential consideration.

*c. Improving access.* Proposals for career academies that demonstrate that the grant funds will result in improved access to career and technical education programs for all students enrolled in participating school districts, including underrepresented and nontraditional students, as well as underserved geographical areas, shall be given preferential consideration.

*d. Program structure.* The proposals shall be evaluated to determine the extent to which the components of paragraph 46.13(3) “c” are evident in the career academy program.

*e. Additional criteria.* Subject to paragraphs 46.13(4) “a” and “b,” proposals shall be evaluated against additional criteria including, but not limited to, the following:

(1) Actual or projected enrollment for each participating high school over a five-year period is of sufficient size to support robust and sustainable offerings and justify the request for funding.

(2) Cumulative offerings provide students with access to a diverse array of coursework in multiple career and technical education service areas.

(3) If programming is delivered at an off-site location, the sending school district provides transportation to participating students.

*f. Budget.* Institutions shall submit a complete budget for the proposal, including a comprehensive summary of costs and a complete list of funding sources to be put toward implementing and sustaining the initiative.

*g. Regional center plan.* Evidence shall be provided to the department that the regional planning partnership established under this chapter and in which the applicants are participating members has developed a plan for regional centers as required under paragraph 46.10(4)“*h.*” The plan shall identify any underserved areas of the region, including areas of low career and technical education enrollment and program offerings.

**46.13(5) Awarding grants.** The department may fully or partially award funds for proposals submitted pursuant to subrule 46.13(3).

*a.* The department will award funds for first-priority proposals that meet the criteria established in rank order. The department may award funds for second- and third-priority proposals based on availability of funds.

*b.* A grant award issued under this rule shall not exceed \$1 million. A first-priority proposal selected for funding shall receive an award of no less than \$1 million. A second-priority proposal selected for funding shall receive an award of no less than \$250,000. A third-priority proposal selected for funding shall receive an award of no more than \$250,000.

**46.13(6) Distribution of awarded grants.** The department will award funds to the designated fiscal agent for approved proposals upon receipt of evidence that the initiative has been completed. Initiatives approved for funding under this rule must be completed within three years of approval, unless a waiver issued at the discretion of the director grants the recipient additional time to complete the approved proposal. Unclaimed funds will be used by the department to fund future initiatives under this rule.